



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Freedom of Information Office
Building 31, Room 5B-35
31 Center Drive, MSC 2107
Bethesda, Maryland 20892-2107
phone: (301) 496-5633
fax: (301) 402-4541

Via email: yimpjp@gmail.com

February 11, 2021

Peter J Yim
Virtual Scalpel, Inc.
912 Primrose Ct.
Belle Mead, NJ 08502

Re: FOI Case No. 55822

Dear Mr. Yim:

This acknowledges your January 28, 2021, Freedom of Information Act (FOIA) request addressed to FOIA Office, National Institutes of Health (NIH) and was received on January 29, 2021. You requested copies of all updates to the Coronavirus Disease 2019 (COVID-19) Treatment Guidelines that were endorsed by a vote of the Panel.

You also requested expedited processing.

The FOIA, 5 U.S.C. §552(a)(6)(E), requires agencies to consider requests for expedited processing and grant them whenever a “compelling need” is shown and in other cases as determined by the agency. The term “compelling need” is defined as (1) involving “an imminent threat to the life or physical safety of an individual,” or (2) in the case of a request made by “a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.” The compelling need standard is “intended to be narrowly applied.” *Al-Fayed v. CIA*, 254 F.3d 300, 310 (D.C. Cir. 2001).

Unfortunately, your request does not meet the standard of “compelling need”. Therefore, I am denying your request for expedited processing.

We are searching the files of the NIH for records responsive to your request. If any documents responsive to your request are located, they will be reviewed for releasability, and all releasable information will be sent to you. We will do everything possible to comply with your request in a timely manner. Please contact the NIH FOIA Office at [nihfoia@od.nih.gov](mailto:.nihfoia@od.nih.gov) or 301-496-5633 for additional information or to inquire about the status of your request.

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Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to news media requesters; i.e., you will be charged for duplication at 10-cents per page although the first 100 pages are free; there is no charge for search or review time. Please be advised that the HHS FOIA Regulations allow us to charge for search time even if we do not locate any responsive records or if we determine that some or all of the responsive records are exempt under one of the FOIA's nine exemptions. If there are any fees associated with the processing of your request, you will be sent an invoice.

If you are not satisfied with the processing and handling of this request, you may contact the NIH FOIA Public Liaison and/or the Office of Government Information Services (OGIS):

NIH FOIA Public Liaison

Stephanie Clipper
Public Affairs Specialist
Office of Communications and Public Liaison
Building 31, Room 5B35
31 Center Drive
Bethesda, MD 20814
301-496-1828 (phone)
301-496-0818 (fax)
[nihfoia@od.nih.gov](mailto:.nihfoia@od.nih.gov) (email)

OGIS

National Archives and Records Admin.
8601 Adelphi Rd - OGIS
College Park, MD 20740-6001
202-741-5770 (phone)
1-877-684-6448 (toll-free)
202-741-5769 (fax)
ogis@nara.gov (email)

Sincerely,

Gorka Garcia-Malene
Freedom of Information Officer, NIH